

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****W.P.(S). No. 1337 of 2026**

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Anmol Kishore Sahay, aged about 33 years, son of late Krishna Kishore Sahay, resident of Sudna Gayatri Mandir Road, near Shambhu Gate Grill, P.O. Sudna, P.S. Daltonganj (Medininagar), Dist. Palamau, Jharkhand-822101. Presently posted in the office of the Executive Engineer, Road Construction Department (R.C.D.), Road Division, Daltonganj, P.O. & P.S. Daltonganj, Dist. Palamau, Jharkhand-822101.

..... **Petitioner****Versus**

1. The State of Jharkhand through the Secretary Department of Finance, Government of Jharkhand having its office at Project Bhawan Dhurwa, P.O. & P.S. Dhurwa District Ranchi, Jharkhand. PIN-834004.
2. The Secretary, Road Construction Department (R.C.D), Govt. of Jharkhand, having its office at Project Bhawan Dhurwa, P.O. & P.S. Dhurwa District Ranchi, Jharkhand. PIN- 834004.
3. The Superintending Engineer, Road Construction Department (R.C.D), Road Circle Daltonganj Jailhata, P.O.& P.S Daltonganj, District Palamau Jharkhand -823101.
4. The Executive Engineer, Road Construction Department (R.C.D.), Road Division, Garhwa, Near Sadar Hospital, P.O. & P.S. Garhwa, Dist. Garhwa, Jharkhand-822114.
5. The Executive Engineer, Road Construction Department (R.C.D.) Road Division Daltonganj Near Town Thana, P.O. & P.S Daltonganj District Palamau, Jharkhand-.822101

..... **Respondents.**

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**CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN**

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| For the Petitioner  | : | M/s. Manoj Kumar, Sahadeo Choudhary,<br>Shabha Rani, Advocates |
| For the Respondents | : | Mr. Amrit Raj Kisku, AC to GA-V                                |

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**03/ 21.04.2026** The instant writ application has been preferred by the petitioner praying therein for quashing and setting aside the order dated 23.01.2017 (Annexure-8) issued by the 3<sup>rd</sup> respondent.

2. At the outset, learned counsel for the petitioner submits that the issue involved in this case with regard to payment of ACP benefits from due date and not from the date of passing the departmental examination, has been deliberated by this Court in W.P.(S). No. 816 of 2021 in the case of similarly situated person and the said case was allowed in view of the fact that the issue has already been set at rest by

the Hon'ble Apex Court in the case of *Amresh Kumar Singh & Ors. Vs. State of Bihar & Ors.*<sup>1</sup>. Learned counsel further submits that since the case of the petitioner is also similar, same benefits may be extended to the present petitioner.

3. Learned counsel for the respondent-State submits that since counter-affidavit has not been filed he is not able to controvert the arguments of the petitioner. However, he very fairly submits that the issue is squarely covered by the order passed in W.P.(S). No. 816 of 2021.

4. Accordingly, the instant writ application stands allowed and the impugned order dated 23.01.2017 (Annexure-8) is quashed and set aside. The respondent-authorities are directed to calculate the 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> ACP/MACP from the date of joining of the petitioner and ignoring the date of passing of departmental examination, strictly in the line of the direction given by this Court in W.P.(S). No. 816 of 2021.

5. The entire exercise shall be completed within 12 weeks from the date of receipt/ production of a copy of this order and the benefits for which the petitioner is found entitled for, shall be extended within a further period of 4 weeks.

**(Deepak Roshan, J.)**

21<sup>st</sup> April, 2026

kunal/-

Uploaded on 04.05.2026

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<sup>1</sup> 2023 SCC OnLine 496